

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

ASHLEY E. BRISCOE,

10-CV-119-PK

Plaintiff,

ORDER

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

ALAN STUART GRAF
316 Second Road
Summertown, TN 38483
(931) 964-3123

KIMBERLY K. TUCKER
11124 N.E. Halsey St.
PMB 675
Portland, OR 97220
(971) 313-0248

Attorneys for Plaintiff

DWIGHT C. HOLTON

United States Attorney

ADRIAN L. BROWN

Assistant United States Attorney
1000 S.W. Third Avenue, Suite 600
Portland, OR 97204-2902
(503) 727-1053

DAVID MORADO

Regional Chief Counsel

BENJAMIN J. GROEBNER

Special Assistant United States Attorneys
Social Security Administration
701 5th Avenue, Suite 2900, M/S 901
Seattle, WA 98104
(206) 615-2531

Attorneys for Defendant

BROWN, Judge.

Magistrate Judge Paul Papak issued Findings and Recommendation (#23) on March 14, 2011, in which he recommends this Court remand this case to the Commissioner for an immediate calculation and payment of benefits. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*). See also *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988). Having reviewed the legal principles *de novo*, the Court does not find any error.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Papak's Findings and Recommendation (#23). Accordingly, the Court **REVERSES** the Commissioner's decision and **REMANDS** this case to the Commissioner for the calculation and payment of benefits consistent with the findings of this Court.

IT IS SO ORDERED.

DATED this 4th day of May, 2011.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge